

with the value of all of said Lots 17 to 21 and improvements amounting to \$4000.00; and

WHEREAS, the value of the improvements actually on the east 79 feet of said lots rendered by Mr. Heflin does not exceed \$1000.00,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Assessor and Collector be and he is hereby authorized to correct the error on his rolls and to collect the taxes on a valuation of \$445.00 on the east 79 feet of said lots, same being half the value fixed by the Board on all of Lots 17 to 21 and on \$1000.00 value of improvements instead of \$3000.00, as shown by said erroneous assessment, and the Assessor and Collector is authorized to take credit for the reduction.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

Upon the recommendation of the Safety Committee, the application of S. L. Costley to install a gasoline tank at 4008 Alice Avenue was granted by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

Upon the recommendation of the Safety Committee, the application of the Badger Auto Supply Company for permit to erect an electric sign at the corner of 5th and Colorado Streets was granted by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The application of Wm. W. McFarland, asking for permission to erect a galvanized iron stand at 303 East 5th Street was refused for the reasons as set out in the report of the Safety Committee, by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen and Searight, 4; naves, none, Councilman Avery absent.

The reports for the month of April of Miss Nellie M. Hall, Secretary of the United Charities Association, and R. E. Nitschke, City Sexton, were read and ordered filed.

The Council then recessed.

#### SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, May 27, 1924.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; absent, none.

W. F. Gohlke appeared before the Council and asked for a more stringent enforcement of the traffic laws of the City.

The Council then went into executive session.



THE CITY COUNCIL OF AUSTIN



T. B. Trotter of the firm of T. B. Trotter & Company, presented his report of an examination of the City Hospital accounts for the period from May 1, 1923, to April 18, 1924, and Councilman Searight moved that said report, dated April 18, 1924, be received and filed with the City Clerk. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolan and Searight, 5; naves, none.

The following communication of H. L. Haynes, Superintendent of Receipts, Disbursements and Accounts, was read and ordered recorded:

"Austin, Texas, May 26, 1924.

To the Honorable Mayor and City Council,  
City of Austin, Texas.

Gentlemen:

In reference to result of the audit of the City Hospital, I ask that the following statement be read and spread upon the Minutes:

All officers and employees at the City Hospital are appointed by the City Councilman in charge of that institution and are under his direction.

All bills for supplies, etc., purchased for use of the Hospital are presented first to the Hospital authorities for examination and approval.

All payments made by or for pay patients for room, board and care are made at the City Hospital and should be paid over by the person in charge to the City Tax Collector and by him deposited with the City Treasurer.

Noticing that a large overdraft had occurred in the expenses at the City Hospital towards the close of the fiscal year ending December 31, 1923, I asked for an audit, the result of which is before you.

Since completion of my annual report for 1923, including the closing of the expense statement of the Hospital for the year, including all bills for 1923 that had been presented and approved by the Councilman in charge up to the close of the fiscal year, Hospital expense bills aggregating more than \$4000.00 not known to have been outstanding at the close of 1923, have since been received from him.

No provision was made in the Budget of 1924 for payment of these bills, which were not known to exist, and payment now after close of the fiscal year constitutes an overdraft of the Hospital to that extent for 1924.

Respectfully,

(Sgd) H. L. Haynes,

Superintendent Receipts, Disbursements  
and Accounts."

The Mayor introduced the following resolution:

PROVIDING THAT NOTICE BE GIVEN OF THE INTENTION OF THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY FOR ADOPTION OR REJECTION, CERTAIN AMENDMENTS TO THE EXISTING CHARTER OF SAID CITY.

WHEREAS, the City Council deems it advisable at this time to submit to the qualified voters of the City of Austin, certain amendments to the existing City Charter; and

WHEREAS, the City Charter of said City has not been altered or amended within two years next preceding this date; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Section 1. That it is the intention of the City Council to pass an ordinance on the 19th day of June, 1924, for the purpose of submitting to the qualified voters of said City, at an election to be held for that purpose, the following amendments to the existing City Charter:

## AMENDMENT NO. 1

To repeal all of Article II, consisting of Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9.

## AMENDMENT NO. 2

To repeal Sections 1, 2, 3, 4, and 5, of Article III.

## AMENDMENT NO. 3

To amend Article IV, Section 1, so as to hereafter read as follows:  
"Each Councilman, at the time of his election to office, shall be at least twenty-five years of age, and shall have resided in the City of Austin for not less than five consecutive years next preceding the day of election, and must be a tax-payer and qualified voter of the City of Austin, and shall not be in the arrears in the payment of any taxes or other liabilities due the City of Austin.

## AMENDMENT NO. 4

To repeal all of Article V, consisting of Section 1.

## AMENDMENT NO. 5.

To repeal all of Article VI, consisting of Sections 1, 2, and 3.

## AMENDMENT NO. 6.

To repeal Sections 1, 2, 3, 4, 5, and 7, of Article VII.

## AMENDMENT NO. 7

To amend the second sentence of Section 1, of Article VIII, so as to hereafter read as follows: "The procedure to effect the removal of any such officer shall be as follows: A petition signed by twenty-five per cent of the highest vote cast for councilman at the last preceding general election of the City of Austin demanding the removal of such officer shall be filed with the City Clerk, which petition shall contain a general statement of the ground or grounds for which the removal is sought."

## AMENDMENT NO. 8.

To amend the first sentence in Section 1 of Article IX, so as to hereafter read as follows: "The citizens of the City of Austin may propose and submit to the City Council, ordinances in the following manner: By petition signed by at least twenty-five per cent of the highest vote cast for Councilman at the last preceding general election."

## AMENDMENT NO. 9.

To amend the first sentence in Section 1 of Article X so as to hereafter read as follows: "No ordinance passed by the City Council shall go into effect before the expiration of ten days from the time of its final passage, except when otherwise required by the general laws of the state, or by the provisions of this charter, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the Council; and no grant of any franchise shall be held or construed to be an emergency measure, and all franchises and ordinances granting the same shall be subject to the referendum vote hereinafter provided; and if during said ten days a petition signed by at least twenty-five per cent of the highest vote cast for councilman at the last preceding general election protesting against the passage of such ordinance shall be presented to the Council, the same shall thereupon be suspended from going into effect, and it shall be the duty of the City Council to reconsider such ordinance, and

if the same is not entirely repealed the council shall submit the ordinance to a vote of the people, as provided in Article IX, either at the next general election or at a special election to be called for that purpose, and such ordinance shall not then go into effect or become operative unless a majority of the qualified voters as above recited of the City of Austin shall vote in favor of the same."

AMENDMENT NO. 10.

To repeal all of Sections 3, 5, and 10 of Article XI.

AMENDMENT NO. 11.

To amend Section 4, of Article XI, by striking therefrom the following: "The appropriations herein provided for shall be passed upon estimates submitted by the Mayor in his annual budget, provided the same shall have been submitted to the Council as herein provided."

AMENDMENT NO. 12.

To amend Section 6, of Article XI, by striking therefrom the following: "The Mayor shall also make such recommendations to the Council concerning the increase or decrease of the departmental estimates as in his judgment may best subserve the interests of the City."

AMENDMENT NO. 13.

To amend Section 16 of Article XI by striking therefrom the following: "No final action shall be taken on any matter concerning the special department of any absent member of the Council, unless such business has been made a special order of the day by action at a previous meeting of the Council at which such member was present, or such action is taken at a regular meeting of the Council."

AMENDMENT NO. 14.

To amend Section 17 of Article XII, so as to hereafter read as follows: "Each councilman shall, before entering upon the duties of his office take the oath prescribed by the constitution of the State of Texas, that he will faithfully discharge the duties of his office, and all other officers of the City shall take such oath of office as may be prescribed by the City Council."

AMENDMENT NO. 15.

To amend Section 18 of Article XII, so that same shall hereafter read as follows: "Every resolution or ordinance passed by the City Council must be signed by the Mayor or by two councilmen, and be recorded before the same shall be in force."

AMENDMENT NO. 16.

Repeal Section 22, of Article XV.

AMENDMENT NO. 17.

To amend the second sentence of Section 23 of Article XV, so as the same shall hereafter read as follows: "Thirty days before holding such general biennial election or as soon thereafter as practicable the City Council shall appoint three election judges for each voting place in the City, one of whom shall be designated as presiding judge of election and the other two assistant judges of election. All of whom shall serve as judges of election for a term of two years and until their successors are appointed, unless sooner removed."

## AMENDMENT NO. 18.

To amend said Charter by adding thereto Article XVI, consisting of Section 1, which shall read as follows:

## "ARTICLE XVI.

Section 1. The municipal government of the City of Austin shall consist of a City Council, which shall possess all the powers now vested in the City Council by the existing charter not expressly vested in the City Manager by amendments duly adopted, and such further powers as may be provided. The City Council shall be composed of five members, to be known as Councilmen, each of whom shall possess the qualifications as provided in Article IV, Section 1, of the existing charter, who shall be elected as herein provided, and who shall serve without remuneration."

## AMENDMENT NO. 19.

To amend said Charter by adding thereto Article XVII, consisting of Sections 1, 2, 3, and 4, which shall read as follows:

## "ARTICLE XVII.

Section 1. On the first Monday in February, A. D. 1925, and on the first Monday in April, A. D. 1927, and at each successive interval of two years thereafter on the first Monday in April, there shall be elected at large by the qualified voters of the City of Austin, at a general election to be held for that purpose, five councilmen, who shall constitute the City Council, and all of whom shall hold their respective offices for a term of two years from the first day of May after each said election, and until their successors are elected and qualified, unless sooner removed as provided in the existing charter.

Section 2. Candidates for councilman shall be nominated by petition of twenty-five electors, to be filed with the City Clerk at least ten days before an election, the signatures to which petition shall be verified by one of the signers, and thereupon the names of such candidates shall be printed upon the official ballot in the alphabetical order of the surname, and such official ballot shall be authenticated by the facsimile of the signature of the City Clerk.

Section 3. At the general election, the five candidates for the office of councilman, who shall have received the greatest number of votes cast in such election, shall be declared elected.

Section 4. All city elections shall be governed, except as otherwise provided by the charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws or this charter to provide for some feature of the City elections, then the City Council shall have the power to provide for such deficiency, and no informalities in conducting a city election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the charter and ordinances of the City."

## AMENDMENT NO. 20.

To amend said charter by adding thereto Article XVIII, consisting of Sections 1, 2, and 3, which shall read as follows:

## "ARTICLE XVIII.

Section 1. The City Council shall elect one of its members as chairman, who shall be entitled Mayor, and who shall preside at meetings of the City Council, and who shall perform such other duties consistent with his office as may be imposed by the City Council. He shall be recognized as the official head of the

City for ceremonial purposes and by the courts for the purpose of serving civil process and by the governor for military purposes. During the absence or disability of the Mayor, his duties shall be performed by another member appointed by the City Council.

Section 2. Vacancies in the City Council shall be filled by the City Council for the remainder of the unexpired term, but any vacancy resulting from a recall election shall be filled in the manner provided in such cases.

Section 3. The City Council shall have the power to create and organize various departments and agencies for the administration of the affairs of the City, and to discontinue or abolish any department, and to determine, combine and distribute the functions and duties of departments and subdivisions thereof."

AMENDMENT NO. 21.

To amend said Charter by adding thereto Article XIX, consisting of Sections 1, 2, and 3, which shall read as follows:

"ARTICLE XIX.

Section 1. The City Council shall appoint a City Manager, who shall be the chief executive officer of the City and shall be responsible to the City Council for the efficient administration of all of the affairs of the City. His salary shall be fixed by the City Council, and he shall hold office at its will; but if removed at any time after six months from his appointment, he may demand written charges and a public hearing thereon before the City Council prior to the date on which his final removal shall take effect, but during such hearing, the Council may suspend him from office. During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform the duties of the office.

Section 2. It shall be the power and duty of the City Manager:

(a) To appoint and remove all appointive officers and employees of the City, except the Recorder or Judge of the Corporation Court, Clerk of the Corporation Court, City Health Officer, and Members of the Board of Equalization, who shall be elected by the City Council upon nomination of any member thereof, and the City Treasurer, who shall be elected as provided by the existing charter; and the particular appointive and supervisory powers vested by the existing charter in the various councilmen, acting as superintendents of departments, are each hereby expressly repealed.

(b) To exercise control over all departments and divisions that may be created by the City Council, and to supervise and direct all officers and employees of the City, appointed by him, in the discharge of their duties.

(c) To attend all meetings of the City Council, except when the Council may be considering his removal, with the right to take part in the discussions, but having no vote.

(d) To recommend to the City Council for adoption or repeal, such measures, resolutions and ordinances as he may deem expedient.

(e) To keep the City Council fully advised as to the financial condition and needs of the City.

(f) To prepare and submit to the City Council the annual budget and

supplements thereto.

(g) To perform such other duties as may be required by ordinance or resolution of the City Council.

Section 3. It shall be unlawful for the City Council, or any of its members to dictate the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager, or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

AMENDMENT NO. 22 .

To amend said Charter, by adding thereto Article XX, consisting of Section 1, which shall read as follows:

"ARTICLE XX.

Section 1. For the purpose of nominating and electing officers, the amendments submitted at this election and which may be adopted by the voters, shall take effect on January 1, A. D. 1925. The City Council, elected at the general election herein above provided, shall proceed as soon as practicable with the election of the City Manager; but neither the newly elected Councilmen nor the City Manager shall take office until the first day of May, A. D. 1925, at which time such of said amendments as may be adopted shall take effect, for the purpose of establishing departments, divisions and offices, and distributing the functions thereof, and for all other purposes.

Section 2. That the Mayor is authorized and instructed to publish a copy of this resolution in the official newspaper of the City of Austin, as notice of the intention of the City Council to submit the amendments hereinbefore set out, and the same when marked "NOTICE OF INTENTION TO SUBMIT CHARTER AMENDMENTS", signed by the Mayor and attested by the City Clerk, and published as aforesaid, shall be due notice thereof.

Section 3. That said notice shall be published in the official newspaper as aforesaid for ten days, the first publication of which shall be twenty days prior to the date on which the proposed ordinance is to be passed, as set out in Section 1 of this resolution.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none,

Councilman Avery moved that the date of election be fixed for August 9th, 1924. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen and Searight, 5; nays, none.